

## **Direct Shipping of Wine to Missouri Consumers**

### **Updated August 1, 2007**

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#### **New Wine Shipping Law Goes into Effect August 28, 2007**

The Missouri Division of Alcohol and Tobacco Control (ATC) will not interfere with sale or shipments of wine from out-of-state wine manufacturers to Missouri consumers. Effective immediately, out-of-state wine manufacturers may ship wine to adult Missouri consumers without obtaining a permit from ATC, until the new law goes into effect August 28, 2007. Beginning August 28, 2007, wine manufacturers will be required to have a license to ship wine directly to consumers, only ship wine using licensed alcohol carriers and pay excise taxes on wine shipments to consumers.

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#### **Out-of-State Retailers**

It remains illegal for out-of-state retailers to ship wine directly to consumers from any state other than reciprocal states per Section 311.462, RSMo. Missouri requires a signed agreement from the alcohol regulators in reciprocal states indicating that no licensing or license fees are required, and that excise taxes are not required from Missouri retailers shipping into their state. In addition, Missouri requires the agreement to contain a clause indicating that the reciprocal state will take administrative action against licensees in their state that violate Missouri laws. Soliciting and advertising of wine shipments by out-of-state retailers is illegal.

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#### **Instate Retailers May Continue to Ship Wine Directly to Missouri Consumers**

It remains legal for Missouri retailers to ship wine directly to consumers. Section 311.462, RSMo, provides that a holder of a retailer alcoholic beverage license in this state may ship wine, for personal use and not for resale, to any adult resident in this state. However, the following restrictions are in place:

1. May ship no more than two cases of wine annually to adult consumers.
2. The shipping container shall be clearly labeled to indicate that the package cannot be delivered to a person under the age of twenty-one years or to an intoxicated person.

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## **Details on New Wine Manufacturers Shipping Law**

On July 13, 2007, Governor Matt Blunt signed into law Senate Bill 299 revising the Missouri State Statutes with regard to direct shipping of wine by wine manufacturers to Missouri consumers for personal consumption.

The bill did several things:

1. It expands the rights of Missouri wineries to allow them to ship up to two cases of wine a month directly to consumers.
2. It creates a wine direct shipping license to allow out-of-state wineries to ship wine they produce or bottle directly to Missouri consumers.
3. It creates an alcohol carrier license for carriers who ship wine directly to residents setting out standards that must be followed.
4. Requires strict procedures for delivery of wine to prevent underage wine shipments.

As of June 2007, all in-state and out-of-state wine manufacturers are able to sell and ship their wine products directly to adult Missouri consumers.

There are, however, several important restrictions to remember.

- The new law applies only to wine manufacturers and has no effect on out-of-state wholesalers or retailers.
- The new law applies only to shipping of wine and has no effect on the shipping of distilled spirits and malt beverages.
- The law applies only to wine that is produced or bottled by the holder of the wine direct shipper's permit.
- The wine must be transported by an ATC licensed carrier. Such licenses are issued to commercial carriers.
- Wine shipped in this way may not be resold and is strictly for personal use.
- The in-state or out-of-state winery may not deliver more than 2 cases of wine per month to the same consumer.
- Instate and out-of-state wine manufacturers must obtain a direct shipper's permit.
- Out-of-state wine manufacturers shipping to Missouri consumers must report on shipments of wine made in Missouri and pay excise taxes on January 31<sup>st</sup> of each year.
- Instate wine manufacturers must provide any additional information deemed necessary beyond that already required for instate wine sales to consumers.

- The wine may not be sold or delivered to a person under twenty-one years of age.
- The wine must be in a package that is clearly and conspicuously labeled showing that the package contains wine, and that the package may be delivered only to a person who is age 21 or over.
- Winery's must permit ATC to perform an audit on licensees' records upon request.
- Be deemed to have consented to the jurisdiction of ATC or any other state agency in Missouri concerning the enforcement of this section.
- Wine direct shipper's license must be renewed annually on or before May 1<sup>st</sup> of each year.
- The holder of the wine direct shippers license shall maintain complete sales and delivery records for at least three years from the date of the sale. These records shall be made available upon request for inspection by ATC.

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### **Winery Direct Shipper's License Applications**

**CLICK THE LINK BELOW TO DOWNLOAD FORM**

[Application for Wine Direct Shipper](#)

Beginning August 28, 2007, instate and out-of-state wine manufacturers are required to obtain from ATC a direct wine shipper's license prior to shipping. There is no fee for the license. To obtain a license, the wine manufacturer must:

1. File an application with ATC; and
2. Provide copies of its current state alcoholic beverage license and a copy of the winery license from the Alcohol and Tobacco Tax and Trade Bureau.

Please note that no fee is due and the license application should be mailed to:

**Division of Alcohol and Tobacco Control  
PO Box 837  
Jefferson City, MO 65102**

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## **Alcohol Carrier License Application**

**CLICK THE LINK BELOW TO DOWNLOAD FORM**

[Application for Alcohol Carrier](#)

Beginning August 28, 2007, carriers delivering shipments of wine must apply for and be licensed with ATC before making any deliveries of wine to consumers. All alcohol carrier licensees shall keep records of wine shipped which include the license number and name of the winery or retailer, quantity of wine shipped, recipient's name and address, tracking number, and an electronic or paper form of signature from the recipient of the wine.

Please note that no fee is due and the license application should be mailed to:

**Division of Alcohol and Tobacco Control  
PO Box 837  
Jefferson City, MO 65102**

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### **Delivery of the Wine by Alcohol Carrier Licensees**

Wine shipped by a holder of an alcohol carrier license may not be delivered to any person other than a person at the delivery address who is age 21 or over; and only after the person accepting the package:

1. Presents valid proof of identity of age; and
  2. Personally signs a receipt acknowledging delivery of the package.
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## **Excise Taxes**

An excise tax report and payment of taxes will be due on or before January 31<sup>st</sup> of each year, detailing the total amount of wine shipped into the state the preceding year. All excise taxes are due at this time, on the amount which shall be calculated as if the sale were in this state at the location where the delivery is made.

There will be a link to a reporting form on our website by December 1, 2007. Please note that reporting is due once a year, not monthly, and should be mailed to:

**Division of Alcohol and Tobacco Control  
PO Box 837  
Jefferson City, MO 65102**

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### **Supreme Court Ruling Regarding Wine Shipping**

The Federal Supreme Court ruling issued May 16, 2005, holds that the 21<sup>st</sup> amendment does not relieve states from the obligation imposed by Interstate Commerce Clause to treat instate and out-of-state wineries equally. This Supreme Court decision has been an issue in Missouri, but with the passage of Senate Bill 299 on July 13, 2007, it no longer is an issue. Instate and out-of-state wineries wishing to ship directly to consumers in Missouri are treated equally under this new law in every respect.